	Application No.	Applicant(s)
Notice of Allowability	09/918,031	TORMASOV ET AL.
	Examiner	Art Unit	
	Adnan M. Mirza	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *03/13/2006*.

2. ☒ The allowed claim(s) is/are *5,8,9,11,14,15,21,22*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some*   c)☐ None   of the:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

    * Certified copies not received: _____ .

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

    (a)☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

      1)☐ hereto or 2)☐ to Paper No./Mail Date _____ .

    (b)☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
    Paper No./Mail Date _____ .

    Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)

3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date *1/13/06*

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .

7. ☒ Examiner's Amendment/Comment

8. ☒ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____ .

JASON CARDONE
SUPERVISORY PATENT EXAMINER

U.S. Patent and Trademark Office

PTOL-37 (Rev. 7-05)   **Notice of Allowability**   Part of Paper No./Mail Date 20060114

<u>EXAMINER'S AMENDMENT</u>

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it must be submitted no later than the payment of the issue fee.

Authorization for this Examiner's Amendment was given in a telephone interview with George S. Bardmesser on 03/13/06.

Please cancel claims 7,13,17,19,20,23.

Please replace the existing claims 21 and 22 with the amended claims ███████ below:

21. (Currently Amended) A computing system comprising: a physical server having a single operating system Kernel; a plurality of isolated virtual computing environment running on the physical server, each virtual computing environment being functionally equivalent to a physical server, wherein the virtual computing environments do not require emulation of hardware resources and do no require <u>dedicated</u> memory; each virtual computing environment having plurality of objects associated with it and supported by the Kernel, with each object having a corresponding identifier, wherein at least some of the identifiers are the same for objects associated with different virtual computing environments, and wherein at least some objects are simultaneously associated with multiple virtual computing environment; wherein objects of different virtual computing environment are isolated from each other even when they have the same identifiers; and wherein the Kernel restricts access to objects using identifiers of one virtual computing environment from another virtual computing environment.

22. (Currently Amended) A method of operating a computing system comprising: starting a physical server having a single operating system Kernel; and initially a plurality of isolated virtual computing environment running on the physical server, each virtual computing environment being functionally equivalent to a physical server, each virtual computing environment having plurality of objects associated with it and supported by the Kernel, with each object having a corresponding identifier, wherein at least some of the identifiers are the same for objects associated with different virtual computing environments, and wherein at least some objects are simultaneously associated with multiple virtual computing environment; wherein objects of different virtual computing environment are isolated from each other even when they have the same identifiers; wherein the virtual computing environments do not require emulation of hardware resources and do no require <u>dedicated</u> memory, and wherein the Kernel restricts access to objects using identifiers of one virtual computing environment from another virtual computing environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adnan Mirza whose telephone number is (571) 272-3885. The examiner can normally be reached on Monday through Friday from 9:30 A.M. to 6:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jason Cardone, can be reached on (571) 272-3933. The fax phone numbers for the organization where this application or proceeding is assigned are listed herein below. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for un published applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866)-217-9197 (toll-free).

REASON'S FOR ALLWANCE

1.   The claims 5,8,9,11,14,15,21,22 have been allowed.

2.   The following is an examiner's statement of reasons for allowance:

The prior art references most closely resembling the applicant's claimed invention are

Aziz et al (U.S. 6,779,016) and Huang et al (U,S, 2002/0091697).

First Aziz disclosed the web pages enable the customer to choose one of several VSF service

plans, such as automatic growth and shrinkage of a VSF between a minimum and maximum

number of elements, based on real time load. The customer have a control value that allows the

customer to change parameters such as minimum number of computing elements in a particular

tier such as web servers, or a time period in which VSF must have a minimal amount of server

capacity. The parameters may be linked to billing software that would automatically adjust the

customers bill rate and generate billing log file entries. Aziz failed to disclose "plurality of

isolated virtual environment on the physical server, wherein the virtual computing environments

do not require emulation of hardware resources and do not require dedicated memory" (claims

21,22).

Second Huang also failed to disclose, "plurality of isolated virtual environment on the physical

server, wherein the virtual computing environments do not require emulation of hardware

resources and do not require dedicated memory" (Claims 21,22).

In summary, the Examiner submits that there is no motivation to combine the aforementioned

references; therefore, claims 5,8,9,11,14,15,21,22 have been deemed allowable over the prior art.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled " Comments on Statement of Reasons for

Allowance."

JASON CARDONE
SUPERVISORY PATENT EXAMINER